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Attorneys for Defendants
RIMINI STREET, INC. and SETH RAVIN

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;)
ORACLE AMERICA, INC., a Delaware)
corporation; and ORACLE INTERNATIONAL)
CORPORATION, a California corporation,)

Plaintiffs,

vs.

RIMINI STREET, INC., a Nevada corporation;)
SETH RAVIN, an individual,)

Defendants.)

Case No. 2:10-cv-0106-LRH-PAL

**RIMINI STREET'S MOTION TO SEAL
PORTIONS OF ITS OPPOSITION TO
ORACLE'S MOTION FOR PARTIAL
SUMMARY JUDGMENT AND CERTAIN
SUPPORTING DOCUMENTS**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010, Dkt. 55 (“Protective Order”), and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Defendant Rimini Street Inc. (“Rimini”) respectfully requests that the Court order the Clerk of the Court to file under seal certain portions of Rimini’s Opposition to Oracle’s Motion for Partial Summary Judgment and supporting documents. These portions of Rimini’s Opposition reflect information that Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corp. (collectively, “Oracle”), Rimini or a third party has designated “Confidential” or “Highly Confidential—Attorneys’ Eyes Only” under the Protective Order

The Protective Order states, “Counsel for any Designating Party may designate any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information—Attorneys’ Eyes Only’ under the terms of this Protective Order only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c). The designation by any Designating Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information—Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation.” Protective Order ¶ 2.

I. CONFIDENTIAL MATERIAL DESIGNATED BY RIMINI.

Rimini has designated Exhibits 6–13 and 29–30 as Confidential or Highly Confidential—Attorneys’ Eyes Only.¹ Rimini requests that the Court order the Clerk of the Court to file those exhibits under seal, as well as certain portions of Rimini’s Opposition to Oracle’s Motion for Partial Summary Judgment, Declaration of Brooks L. Hilliard in support of Rimini’s Opposition to Oracle’s Motion for Partial Summary Judgment, and Rimini’s Statement of Facts in Support of its Opposition to Oracle’s Motion for Partial Summary Judgment, each of which reflect confidential information contained in those exhibits. Unredacted versions of these documents were individually lodged under seal with the Court on April 27, 2012.

¹ All Exhibits referred to in this motion are attached to the Appendix of Exhibits Cited in Support of Rimini’s Opposition to Oracle’s Motion for Partial Summary Judgment.

Documents may not be sealed in connection with a dispositive motion absent a “compelling reason.” *Selling Source, LLC v. Red River Ventures, LLC*, 2:09-CV-01491-JCM, 2011 WL 1630338 *4 (D. Nev. Apr. 29, 2011) (citing *Pintos v. Pac. Creditors Ass’n*, 565 F.3d 1106, 1115 n. 4 (9th Cir.2009)). Exhibits 6–13 and 29–30 are excerpts from depositions and related exhibits, and agreements between Rimini and its customers that have been designated as “Highly Confidential,” which reflects, in Rimini’s best judgment, that the testimony and documents contain “extremely sensitive, highly confidential, non-public information, consisting either of trade secrets or other highly confidential documents related to current or future business plans, protocols or strategies, the disclosure of which . . . would be likely to cause competitive or business injury to the Designating Parties (other than injury to Designating Parties position in this Action).” Protective Order ¶ 4. In particular, the deposition testimony and exhibits contain confidential information regarding Rimini’s proprietary business practices and procedures. Rimini has made a significant investment in its confidential proprietary business practices and procedure, and disclosure of the testimony and documents could reduce the value of Rimini’s investments. Further, the support agreements contain confidential terms related to Rimini’s support terms regarding the customers’ licensed use of Oracle’s enterprise software. Disclosure of the confidential terms of the support agreements could interfere with Rimini’s future support services offerings. Thus, there is a compelling interest for those documents to be sealed. *Selling Source*, 2011 WL 1630338 at *6 (“Where the material includes information about . . . agreements with clients, there are compelling reasons to seal the material because possible infringement of trade secrets outweighs the general public interest in understanding the judicial process.”).

II. CONFIDENTIAL MATERIAL DESIGNATED BY ORACLE OR THIRD PARTIES

Oracle has designated the following documents cited or referred to in Rimini’s Opposition as Confidential or Highly Confidential—Attorneys’ Eyes Only:

| Ex. | Description |
|-----|--------------------------------|
| 1. | Safra Catz Deposition Excerpts |

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| 2. | Charles Phillips Deposition Excerpts |
| 5. | Excerpts of Expert Report of Randall Davis, Feb. 2012 |
| 14. | Oracle's [Corrected] Supp. and Amended Responses to Rimini Street's First Set of Interrogatories (No. 1-12) Excerpts |
| 15. | Oracle's First Amended Response to Rimini's Interrogatory No. 26 |
| 16. | ORCLRS0004151 (Schedule 1 to the City of Flint's License) |
| 17. | ORCLRS0018170-340 Excerpts |
| 18. | ORCLRS0053129-48 (Cowlitz County License) |
| 19. | ORCLRS0055893-964 Excerpts |
| 20. | ORCLRS0144955-56 |
| 21. | ORCLRS0260580-83 |
| 22. | ORCLRS0518901 |
| 23. | ORCLRS0611787-88 |

In addition, a third party, CedarCrestone, has designated portions of the deposition testimony its corporate representative Paul Simmons, as well as certain deposition exhibits, as Confidential or Highly Confidential—Attorneys' Eyes Only. A portion of this material is cited in Rimini's Opposition as Rimini's Exhibit Nos. 4 and 5

Rimini submits these documents under seal pursuant to the Protective Order based on Oracle and CedarCrestone's representations that there is a valid basis under the Protective Order for the confidentiality designations.

Rimini has submitted all other exhibits to the Appendix to the Court's public files, which would allow public access to all exhibits except for the items listed above. Accordingly, the request to seal is narrowly tailored. For the foregoing reasons, Rimini respectfully requests that the Court find there is a compelling interest in filing the documents discussed above under seal.

1 DATED: April 27, 2012

SHOOK, HARDY & BACON LLP

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3 By: /s/Robert H. Reckers
Robert H. Reckers, Esq

4 *Attorneys for Defendants*
5 *Rimini Street, Inc. and Seth Ravin*